

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMEKA OGBONNA,

Plaintiff,

-v-

EQUIFAX INFORMATION SERVICES, LLC, AND
MARRIOTT OWNERSHIP RESORTS INC.,

Defendants.

21 Civ. 1769 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

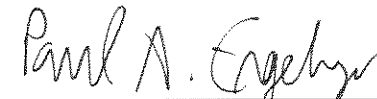
The Court has received plaintiff Emeka Ogbonna's ("Ogbonna") letter motion seeking to compel the deposition of Irene Lin, Dkt. 54, and defendant Marriott Ownership Resorts Inc.'s ("MORI") response thereto, Dkt. 55. The dispute centers on whether MORI has produced, or instead must produce, a witness who could testify to a potentially critical issue in this case: the contents and circumstances of a package purportedly sent by Lin to Ogbonna, via FedEx, sometime in March 2020. MORI contends that Lin's supervisor, Lynn Correia ("Correia") (whom MORI has produced for a deposition) "sufficiently authenticate[d] the FedEx Receipts." Dkt. 55 at 2. Ogbonna, on the other hand, protests that Lin alone has "first-hand personal knowledge as to *what* was mailed to Plaintiff and *when* such documents were mailed," and therefore must appear for a deposition. Dkt. 54 at 3.

Compelling the deposition of a witness who would provide unreasonably cumulative or duplicative testimony would be unwarranted under the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 26(b)(2). But it is unclear, based on the parties' letters alone, whether Lin would provide such testimony. MORI has explained that Correia "authenticate[d]" the FedEx receipts,

but it has not explained precisely to what Correia testified, as a factual matter, regarding the FedEx package, as would render Lin's testimony on the subject cumulative or duplicative.

Accordingly, the parties shall submit to the Court by December 13, 2021, a joint letter describing in detail Correia's testimony on the nature and circumstances of the FedEx package's contents and mailing, including direct quotations from Correia's deposition. The Court will promptly render a final decision on Ogbonna's motion to compel after reviewing that testimony.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", is positioned above a horizontal line.

PAUL A. ENGELMAYER
United States District Judge

Dated: December 9, 2021
New York, New York